

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHIRRON GAYLES-ZANDERS,

Plaintiff

v.

WILLIAM REUBART, et al.,

Defendants

Case No. 2:25-cv-00335-JAD-MDC

ORDER

On February 20, 2025, pro se plaintiff Shirron Gayles-Zanders, an inmate in the custody of the Nevada Department of Corrections, submitted a collection of documents that appear to seek relief in her **state** criminal case (C-18-33066-1) and **state** postconviction writ proceeding (A-24-897418-W). (See ECF No. 1-1). Plaintiff did not file a complaint, and she neither paid the full \$405 filing fee nor applied to proceed *in forma pauperis* in this **federal** action. The Court will grant Plaintiff an extension of time to correct these defects. Alternatively, if Plaintiff did not intend to initiate this **federal** civil action but meant to file the documents in one or more of her **state** actions, then she may file a notice under Federal Rule of Civil Procedure 41(a)(1)(A)(i) voluntarily dismissing this action.

I. DISCUSSION

A. Filing Fee

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a

completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1), (2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

B. Complaint Form

Under the local rules, a pro se plaintiff must file a civil rights complaint on the form provided by this Court or it must be legible and contain substantially all the information called for by the Court's form. See Nev. Loc. R. Prac. LSR 2-1. Plaintiff's initiating documents do not constitute a complaint. Indeed, they appear to seek relief like leave to file an oversized motion for the appointment of counsel and to substitute counsel in one or more of her state actions. If Plaintiff wishes to proceed with this federal civil-rights action, she must file a complaint on the Court's approved form.

II. CONCLUSION

It is therefore ordered that Plaintiff has **until April 4, 2025**, to accomplish the following two items:

- 1) File a signed complaint using the correct form for federal court.
- 2) Either pay the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all three of the following required documents:

- (i) a completed application with the inmate's two signatures on page 3,
- (ii) a completed financial certificate that is signed both by the inmate and the prison or jail official, and
- (iii) a copy of the inmate's trust fund account statement for the previous six-month period.

Alternatively, if Plaintiff did not intend to initiate this federal civil action but perhaps meant to file the initiating documents in one or more of her state actions, it is further

1 ordered that Plaintiff has **until April 4, 2025**, to file a notice under Federal Rule of Civil
2 Procedure 41(a)(1)(A)(i) voluntarily dismissing this action without prejudice.

3 Plaintiff is advised that the Court will not file her documents with the state court.

4 And Plaintiff is cautioned that this action will be subject to dismissal without
5 prejudice if she fails to timely comply with this order. A dismissal without prejudice allows
6 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file
7 a complaint and either file a complete application to proceed *in forma pauperis* or pay the
8 required filing fee.

9 The Clerk of the Court is directed to send Plaintiff: (1) this Court's approved 42
10 U.S.C. § 1983 complaint form with instructions, and (2) this Court's approved form
11 application to proceed *in forma pauperis* for an inmate with instructions.

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13 DATED: March 6, 2025

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16 UNITED STATES MAGISTRATE JUDGE
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